

PATENT**REMARKS**

Claims 1-37 are pending in the present application. In the above amendments, claims 13, 15, 30, and 32 have been amended and claims 14 and 31 have been canceled without prejudice.

In the Office Action mailed August 17, 2004, the Examiner allowed claims 11, 12, 28, and 29, rejected claims 1-10, 13, 18-27, 30 and 35-37 and objected to claims 14-17 and 31-34. The Examiner indicated that claims 14-17 and 31-34 would be allowable if re-written in independent form to include all of the limitations of the base claim and any intervening claim.

Applicants have amended claims 13 and 30 to include the limitations of claim 14 and 31, respectively. Accordingly, applicants respectfully submit that claims 14 -17 and 31-34 are allowable.

In the Office Action, the Examiner rejected claims 1, 2, 7, 8, 10, 18, 19, 24, 25, 27, 35, and 36 under 35 U.S.C. §102(e) as being anticipated by Chen et al. (US2002/0101832 A1). Applicants respectfully submit that Chen does not discuss or show each and every element of any one of these claims and that claims 1, 2, 7, 8, 10, 18, 19, 24, 25, 27, 35, and 36 are allowable over Chen. Referring to claim 1 as a representative claim of the group, claim 1 recites "demodulating a received signal on an empty code channel." and "determining a noise estimate from a resulting demodulated signal". Applicants submit that Chen does not show either of these elements. Chen teaches to despread a received signal and to multiply the despread signal by a unique "noise" Walsh code. Chen does not teach to demodulate the received signal. In Chen, each despread waveform is multiplied by the "noise" Walsh. The resulting signals are accumulated to determine noise power. The pilot symbols in Chen, therefore, are essentially high pass filtered. Chen does not demodulate the received signal. Further, Chen does not determine a noise estimate from a demodulated signal.

The Examiner rejected claims 1, 3-6, 18, and 20-23 under 35 U.S.C. §102(a) as being anticipated by Yun et al. (Wo 01/22623 A1). Applicants respectfully submit that Yun does not discuss or show each and every element of any one of these claims and that claims 1, 3-6, 18, and 20-23 are allowable over Yun. Referring to claim 1 as a representative claim of this group, claim

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1 recites "demodulating a received signal on an empty code channel." and "determining a noise estimate from a resulting demodulated signal". Yun shows de-spreading a received signal. (See page 8, lines 13-19). Yun does not discuss demodulating a received signal and determining the noise power from a demodulated signal. Accordingly, applicants respectfully submit that Yun does not show all the elements of any of claims 1, 3-6, 18, or 20-23 and these claims are allowable.

The Examiner rejected claims 9 and 26 under 35 U.S.C. §103(a) as being unpatentable over Yun et al. Claims 9 and 26 depend from claims 1 and 18, respectively. Applicants respectfully submit that claims 1 and 18 are allowable and that claims 9 and 26 are allowable as depending from allowable base claims.

The Examiner rejected claim 37 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. in view of Chrisikos and Han. Claim 37 depends from claim 35 which applicants respectfully submit is allowable. Accordingly, claim 37 is allowable as depending from an allowable base claim.


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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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